

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

- against -

LEMREY ANDREWS,

Defendant.

ORDER

01 Cr. 450-6 (NRB)

24 Civ. 5246 (NRB)

-----X

NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

On November 22, 2024, this Court issued a Memorandum and Order denying a petition by defendant Lemrey Andrews to reduce his sentence pursuant to 28 U.S.C. § 2255. ECF No. 443. On December 10, 2024, counsel for defendant filed a letter proposing for the Court's approval a schedule for briefing with respect to an application by defendant for a certificate of appealability. ECF No. 444. This Court's failure to rule on the certificate of appealability at the time of its November 22 decision was an oversight.

Pursuant to 28 U.S.C. § 2253, an appeal may not be taken to the Court of Appeals from a final order in a proceeding under § 2255 unless a certificate of appealability is issued. A certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253. For the reasons set forth in this Court's Memorandum and Order denying defendant's petition, ECF No.

443, he has not made such a "substantial showing." Therefore, a certificate of appealability shall not issue.

SO ORDERED.

Dated: December 19, 2024
New York, New York

A handwritten signature in blue ink, reading "Naomi Reice Buchwald", is written over a horizontal line.

NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE